

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

COLIN J. BEST, et al.,	:	
Plaintiffs	:	CIVIL ACTION NO. 4:22-14
v.	:	(JUDGE MANNION)
TIADAGHTON VALLEY	:	
REGIONAL POLICE, et al.,	:	
Defendants	:	

ORDER

Pending before the court is the report of Magistrate Judge Karoline Mehalchick which recommends that the plaintiffs' complaint be dismissed with prejudice because the claims are barred by the two-year limitations period. (Doc. 9). The plaintiffs have failed to file objections to Judge Mehalchick's report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether

timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. '636(b)(1); Local Rule 72.31.

In their complaint, which was filed on January 4, 2022, the plaintiffs bring claims pursuant to 42 U.S.C. §1983 for deprivation of constitutional rights and privileges, conspiracy to deprive civil rights, denial of procedural and substantive due process, deprivation of the equal protection of the law, false imprisonment, failure to prevent deprivation of civil rights, intentional infliction of emotional distress, and defamation. As noted in Judge Mehalchick's report, all of the allegations in the complaint relating to the plaintiff's claims pre-date the two-year statute of limitations applicable to §1983 actions¹, the latest possible allegation having occurred in May of 2019. Judge Mehalchick therefore recommends that the plaintiffs' complaint be dismissed with prejudice pursuant to the provisions of 28 U.S.C. §1915(e)(2)(B)(ii). The plaintiffs have not objected to Judge Mehalchick's report and recommendation.

Upon review, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Mehalchick to her

¹ Kach v. Hose, 589 F.3d 626, 634 (3d Cir. 2009) (citing 42 Pa. C.S.A. § 5524(2)).

conclusions. As such, the court will adopt Judge Mehalchick's report and recommendation as the decision of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1) The report and recommendation of Judge Mehalchick (**Doc. 9**) is

ADOPTED IN ITS ENTIRETY AS THE DECISION OF THE COURT.

(2) The plaintiffs' pending motions to proceed *in forma pauperis* (**Doc.**

2, Doc. 10), are **GRANTED**.

(3) The plaintiffs' complaint (**Doc. 1**) is **DISMISSED WITH**

PREJUDICE.

(4) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

DATE: March 17, 2022 March 16, 2022

22-14-01